

EXHIBIT 10

Terry Grimes

From: Tracy Mirzayan
Sent: Tuesday, April 23, 2019 2:25 PM
To: Terry Grimes
Subject: FW: Carmack v. Commonwealth
Attachments: BATES No. 25984 - 25996.pdf; Letter, OAG to Grimes Haddox re. Deficiency Letter (3-22-19).pdf

From: Hardy, Ryan S. <RHardy@oag.state.va.us>
Sent: Friday, March 22, 2019 4:41 PM
To: Brittany Haddox <brittany@Strelkalaw.com>; Terry Grimes <tgrimes@terryngrimes.com>
Cc: Kincer Jr, E. Lewis <EKincerJr@oag.state.va.us>
Subject: Carmack v. Commonwealth

Brittany,

Please see the attached deficiency letter in reference to Plaintiff's 3/18/19 response to Defendants' discovery requests. I have also attached documents relevant to RFP No. 30.

Regards,

Ryan S. Hardy
Assistant Attorney General
Office of the Attorney General
202 North 9th Street

Richmond, Virginia 23219
(804) 786-0969 Office
RHardy@oag.state.va.us
<http://www.ag.virginia.gov>



David Matlock

From: Executive Agency Heads List <EXEC_AGENCYHEADS@LISTSERV.DHRM.VIRGINIA.GOV>
on behalf of Chief of Staff (DHRM) <ChiefofStaff@DHRM.VIRGINIA.GOV>
Sent: Tuesday, September 27, 2016 10:29 AM
To: EXEC_AGENCYHEADS@LISTSERV.DHRM.VIRGINIA.GOV
Subject: Budget Requests for 2017 GA Session



Commonwealth of Virginia
Office of Governor Terry McAuliffe

September 27, 2016

MEMORANDUM

TO: Executive Branch Agency Heads
CC: Cabinet Secretaries
FROM: Paul Reagan, Chief of Staff
SUBJECT: Budget Requests for 2017 GA Session
DUE DATES: New Spending Requests – October 7, 2016
FY 2018 Savings Strategies – October 31, 2016

The Governor and I want to thank you for your cooperation in identifying strategies to meet the five percent across-the-board budget reductions that were requested for FY 2017. Together with the Department of Planning and Budget (DPB), we are currently reviewing each agency's proposed plan. As we proceed with the financial analysis needed to close the rest of the budget gap in FY 2017, we must find additional savings to address the projected revenue shortfall for FY 2018.

We are aware that there may be unavoidable cost increases in some programs that must be addressed. Please keep in mind, however, that we must find savings to pay for any required increases in spending since it is not anticipated that there will be any new revenue growth above the current budget levels. Any requests for new spending will have to be weighed against the value of reducing or eliminating spending in the current budget that previously has been approved by the Governor and the General Assembly.

This memo will provide the overarching policy guidance for the next steps in the process. DPB will be providing more detailed instructions to you regarding the actual budget submission process for both savings strategies and new spending requests.

Additional Budget Savings

On August 26, you were directed to submit savings plans equal to a target that was issued by DPB (equal to five percent of your nonexempt legislative appropriation). These plans were to be composed of strategies for reducing your budget in FY 2017. We are currently reviewing these FY 2017 savings strategies. During this review, you may be asked to submit alternative strategies to replace any that are rejected. After these strategies have been fully reviewed and the Governor has approved the final statewide savings plan, you will be advised of your approved strategies and the related savings, as well as any further action that may be needed.

In the August 26 memorandum, you were informed that instructions for FY 2018 savings plans would be issued at a later date. You also were advised that any one-time savings strategies proposed for FY 2017 would have to be replaced with ongoing savings strategies in FY 2018. As the plans for FY 2017 are reviewed, we will determine the level of additional ongoing savings that may be required for FY 2018.

At a minimum, you should plan for the five percent savings required in FY 2017 to continue into FY 2018 along with the addition of new strategies to replace one-time strategies approved for FY 2017. Submission of FY 2018 savings strategies will be due no later than October 31, 2016. DPB will be issuing specific instructions for these plans along with savings targets for FY 2018 in mid-October, after the approved FY 2017 plans are announced.

You also may be called upon by your Secretary or by DPB to identify savings that go beyond the across-the-board savings plans. Some of these savings may impact previously exempted areas of the budget. Further, this review may include both general and nongeneral fund balances. The Governor and I expect your full cooperation in this effort and know that you will respond with the same commitment that you have previously shown.

In order to achieve the required ongoing savings including any new amounts, the Governor expects all agencies to continue exploring ways to reduce costs, save funds, and operate more efficiently. To that end, all agencies are asked to continue identifying ways to reduce spending and save taxpayer dollars. This effort should include:

- identifying low priority activities that can be discontinued by administrative action;
- identifying low priority activities that can be eliminated with a change in statute or regulation;
- identifying savings that can come from the elimination of discretionary government activities;
- identifying any nongeneral fund sources that may be redirected toward replacing general fund support.

Please keep in mind that savings strategies for FY 2018 should provide ongoing savings in future fiscal years in order to maintain structural balance. If one-time strategies are submitted, agencies should expect that the savings achieved by these strategies will be permanently removed from the agency's appropriation in future years, which will require the agency to find new ways to save those funds in the future.

Finally, when preparing FY 2018 savings plans, agencies should refer to the August 26 memorandum for policy guidance regarding the development of savings strategies for FY 2018. The same parameters that applied to FY 2017 apply to the savings strategies for FY 2018.

Reappropriation of Unspent Discretionary Prior Year Funds

As you were previously advised, FY 2016 fell short of the revenue forecast. The current budget anticipated use of the excess revenue balances that were projected in FY 2016; however, there are no surplus balances or excess revenues from the prior year that will support increased spending at this time. Consequently, the Governor is currently reviewing the unspent discretionary balances from FY 2016 that were not pledged by agencies toward future reductions. Given the current revenue expectations and the need for saving as much as possible, agencies should not expect to have any unspent discretionary balances from FY 2016 reappropriated this fiscal year. Final decisions will be communicated to you by DPB at a later date after this process has been completed.

New Spending Requests

The Governor's introduced budget will have to address required new spending for any known commitments or obligations as well as mandatory increases in programs. Agencies must submit all requests for new spending through DPB's Performance Budgeting System no later than October 7, 2016. In developing such budget requests, agencies should consider the following guidelines.

First, please remember the budget that the Governor presents to the 2017 General Assembly Session amends the budget that was just recently signed into law by the Governor for the 2016-2018 biennium. Any amendments to the first year of the biennium, FY 2017, will not be enacted until late next spring. Therefore, you need to assess the importance of the need to get increased funding for the remaining few months of the fiscal year.

Second, no requests for restoration of budget reductions or prior savings actions should be submitted. We are still trying to identify additional savings to balance the budget so now is not the time to revisit restoration of previous reduction decisions.

Finally, as I informed you on August 26, the current revenue forecast reduces the total general fund revenues available for appropriation; therefore, nothing in the current forecast projects growth that would support increases in discretionary spending. Given the current uncertainty regarding both the pace of revenue growth and the potential for further unfavorable federal fiscal policy actions, it is not likely that additional, unobligated revenues will become available.

As a result, any new revenue that becomes available for appropriation will have to be prioritized to address required or mandated programs or replace savings actions that are currently anticipated to be needed. It simply does not make sense to add new discretionary spending when we are in the process of approving savings plans to reduce discretionary spending; consequently, you should not expect to receive funding for discretionary new initiatives that have not previously been approved by the Governor.

While increases in discretionary spending are not likely to be funded, I recognize that there are some issues that must be considered. Accordingly, requests for spending increases should be limited to the following criteria:

1. emergencies;
2. life/safety concerns;
3. unavoidable cost increases that are formula driven based on changes in the number of clients, caseloads, or enrollment;
4. cost increases due to circumstances that are typically beyond your ability to control.

These cost increases should be for mandated program costs which your agency cannot possibly absorb. They should not reflect any discretionary increases in spending.

Conclusion

FY 2017

- DPB will communicate to you final approved FY 2017 savings plans around mid-October.
- Given the guidance stated above, you should proceed with the expectation that you will not get any additional discretionary funding in FY 2017 either by reappropriation of prior year balances or by new appropriations approved in the upcoming budget. Otherwise, you may find it too late in the year to adjust your spending if the funding increase is not included in the re-enacted budget. For this reason, budget adjustments for FY 2017 likely will be limited to either capturing any savings that can be identified or addressing required spending to support emergencies, life/safety issues, or technical increases in mandatory programs due to circumstances like enrollment increases.

FY 2018

- Savings targets for FY 2018 will be issued in mid-October after we have approved final savings plans for FY 2017, and after we have a better understanding of the new spending needs. Savings strategies must be submitted through DPB's Performance Budgeting System no later than October 31, 2016.
- Budget requests for the second year of the biennium, FY 2018, must meet the criteria stated above. You must work with your respective Secretary to determine how any requests for additional funding in FY 2018 will support the Governor's policies if they are not supported by the mandatory requirements stated above. Any requests for increases in discretionary spending should be accompanied by strategies to reduce an equal amount of discretionary spending from lower priority activities. After addressing increases in mandated programs, priority will be given to requests that directly support key policy objectives of the Governor. Agencies must submit all requests for new spending through DPB's Performance Budgeting System no later than October 7, 2016.

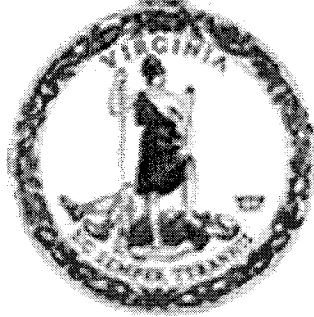
Finally, your budget submissions (both new spending and savings strategies) should be discussed in advance with your respective Secretary and should not be submitted unless the Secretary has given you prior approval for such submission. All requests must meet one or more of the criteria discussed in this memorandum. DPB will be issuing specific guidance for submission of all requests through the Performance Budgeting System.

If you have any concerns interpreting the guidance in this memorandum, please discuss it with your respective Secretary or contact your DPB analyst for clarification.

Once again, the Governor and I appreciate all that you do for the Commonwealth of Virginia.

David Matlock

From: Executive Agency Heads List <EXEC_AGENCYHEADS@LISTSERV.DHRM.VIRGINIA.GOV>
on behalf of Chief of Staff (DHRM) <ChiefofStaff@DHRM.VIRGINIA.GOV>
Sent: Friday, August 26, 2016 1:27 PM
To: EXEC_AGENCYHEADS@LISTSERV.DHRM.VIRGINIA.GOV
Subject: Required Budget Savings Plans



Commonwealth of Virginia
Office of Governor Terry McAuliffe

August 26, 2016

MEMORANDUM

TO: Executive Branch Agency Heads, excluding Institutions of Higher Education
CC: Cabinet Secretaries
FROM: Paul Reagan, Chief of Staff
SUBJECT: Required Budget Savings Plans
DUE DATE: September 20, 2016

Earlier today, the Governor presented a revised revenue forecast for the 2016 – 2018 biennium to the joint money committees of the General Assembly. This information included an assessment of the final revenue collections from the recently ended fiscal year, FY 2016. While the Commonwealth is still experiencing revenue growth, it is much slower than expected. The final revenue collections grew by only \$304.5 million rather than the estimated \$573.4 million anticipated in the budget – approximately \$268.9 million less than planned. Actual transfers fell short of the FY 2016 estimate by an additional \$10.4 million bringing the total shortfall of revenues and transfers to \$279.3 million.

After reviewing the details of this slower growth, and listening to the advice of the Joint Advisory Board of Economists and the Governor's Advisory Council on Revenue Estimates, the Governor is proposing that the

revenue estimates for the current biennium be reduced. In summary, the projected revenue shortfall for the current biennium which includes the loss of revenue from FY 2016 is \$1.5 billion. Of this total, approximately \$843.7 million must be addressed by the Governor in the current fiscal year, FY 2017. The first step will be to address the immediate actions required to balance the current fiscal year and then we will address the second year of the biennium. Ultimately, most, if not all, of the needed action will be included in the budget that the Governor sends to the General Assembly in December.

We have been in this situation before and we all know this will be a difficult task. It will require much creativity and a variety of strategies to bring the budget into balance, some of which will force tough choices and sacrifices. We will utilize all of the tools and resources available to us including both targeted and across-the-board budget reductions to meet this challenge.

The purpose of this memorandum is to initiate the process for implementing across-the-board budget reductions for all executive branch agencies, except the institutions of higher education, for the current fiscal year. Instructions and guidance on reductions for the second year of the biennium, FY 2018, will be sent at a later date.

Likewise, targeted budget reductions will be dealt with later in the budget process by separate communications focused specifically on the program area being considered for a targeted reduction. Funds appropriated to programs that may be subject to targeted reductions are not included in the base used to calculate the across-the-board reduction amounts for each agency.

To accomplish this task, you and your respective Secretary must prepare savings strategies for FY 2017 equal to five (5) percent of your agency's adjusted legislative general fund appropriation. Agencies that pledged balances at the end of FY 2016, will receive credit for that pledge against its five percent reduction target. As previously stated, guidance for FY 2018 savings strategies will be issued at a later date along with additional guidance for budget preparation.

The Department of Planning and Budget (DPB) will contact you with the exact across-the-board reduction targets for your agency. Instructions for this process and a format for recording your reduction strategies will be provided to you later today by separate communication from DPB.

These plans should be approved by your respective Secretary prior to September 20, 2016, so that they may be submitted to the Governor's Office for review and final approval on or before that date. If the Governor does not accept your plan or portions of your plan, you will be asked to resubmit substitute strategies that are acceptable.

Any questions or suggestions about this process, or the subsequent budget decisions that will be made, should be directed to the Office of the Secretary of Finance or the Department of Planning and Budget.

Savings strategies should focus on identifying low priority or discretionary activities in your respective agency and on protecting priorities that are essential to Virginia's economic growth. Because of the very short timeframe within which we must act on these strategies, please ensure that your recommendations are both practical and consistent with preserving the known priorities or directives of the Governor as much as possible. While it may not be possible to protect all of his priorities, it should be a goal to minimize the impact as much as possible. Ultimately, you must still meet your reduction target.

While we welcome any and all valid savings strategies, it is important that the majority of your reduction strategies emphasize recurring savings rather than one-time savings. Please be aware that any one-time strategies proposed in FY 2017 must be replaced by recurring strategies in FY 2018. More information on this

issue will be made available when the guidance for FY 2018 is issued. Agencies should give serious consideration to new initiatives that have not yet been started as they consider potential reduction strategies.

You may not submit reduction strategies that simply pass on additional costs to another state agency or that reduce revenue to another state agency. You may include strategies that would increase fees charged by your agency to outside parties; however, you must indicate the amount of the increase in the fee and the parties who will be impacted.

Please remember to look at program and service areas where state funds are used to match federal funds or other nongeneral funds. You need to ask if the use of these state funds, and the associated match, are achieving outcomes that are of the highest priority for use of the general fund match. You should not consider these programs as "off-limits" for savings and efficiency strategies just because they may result in the loss of matching funds.

You should also focus on strategies that call for the modification or elimination of existing responsibilities that have been placed on you that are not mission critical for your agency. If you have any strategies that would require statutory or regulatory changes, please ask your policy or legislative liaison to meet with the Governor's Policy Office to discuss the necessary regulatory changes or statutory amendments to the *Code of Virginia*.

As previously stated, your final plans must be submitted to DPB no later than 5:00pm on September 20, 2016. These plans will then be reviewed with the affected Secretary and the Governor and his staff to reach final decisions about which strategies will be approved and which strategies will need to be replaced.

Upon final approval of your plan by the Governor, you will be required to submit the approved strategies in DPB's performance budgeting system. The specific process and deadlines associated with that submission will be issued at a later date.

Thank you for your continued efforts on behalf of the Commonwealth and its citizens. This is a challenging time and the Governor and I are counting on your creativity and leadership to make a difference. The Governor and I appreciate your service. I am confident that we can balance our budget, protect our core priorities, and work together to build a new, stronger Virginia economy.

Problem Title:

Not Receiving Email from Elizabeth Griffin at OAG

Impact:

No impact on work productivity

Category:

Other

Submitter:

Duffy Carmack (Archived)

Status:

Closed

Priority:

Medium

Device:

Unassigned

Owner:

Adam Tolbert

Need Help?

User/Date

Action

Updated by "EmailOnClose" rule.

Comment:

This is an automated email. If you reply to this email the ticket may be reopened.

This Support Ticket has been closed due to one or more of the following reasons.

- 1) We believe the issue has been resolved.
- 2) It has been a while since we last heard from you.
- 3) A bug or enhancement request has been submitted on your behalf.

Ticket Rule

02/21/2017 12:34:23

If you feel this case should be reopened or you have any questions regarding this ticket, please feel free to contact Technical Support. You can also check the status of your cases at <http://support.swcenter.edu>

To contact support email support@swcenter.edu or call us at 276-619-4300.

Thanks!

Regards,

SWVHEC I.T. Support Team

Changed ticket Status from "Opened" to "Closed".

Comment:

Researched email logs, found log entries for 6 emails that were sent to dcarmack@swcenter.edu from egriffin@oag.state.va.us in the last 7 days.

According to logs, these were delivered to Duffy's Junk Email folder. Visited Duffy's computer and looked through his Office 365 email settings. Found several emails in Junk Folder from Elizabeth Griffin, marked as "Not Junk" and moved to Inbox. On further research in email settings, found entries for Elizabeth Griffin (egriffin@oag.state.va.us) and Peter Blake (SCHEV.edu) on the "blocked senders" list. Removed these two from the blocked senders listed and added to the permitted senders list for extra measure.

Resolved.

Adam Tolbert

02/21/2017 12:34:23

Ticket Created

Adam Tolbert

02/21/2017 12:30:56

Comment:

Reports that he is not receiving emails sent to him from Elizabeth Griffin at OAG.

SWVHEC025991

RE: TRRC Education Loan Program

Sender: EGriffin@oag.state.va.us
Recipient: dcarmack@swcenter.edu

Received

Processed

Delivered



STATUS

The message was delivered to the recipient's mailbox. Because of an Inbox rule the recipient set up, the message was delivered to the following folder:

Folder: Junk Email



MORE INFORMATION

For help with changing your Inbox rules, see Organize email by using Inbox rules in Outlook on the web.

MESSAGE EVENTS

DATE (UTC)	EVENT	DETAIL
2/21/2017 4:22:20 PM	Receive	Message received by: CY4PR02MB2567
Message received by: CY4PR02MB2567		
2/21/2017 4:22:21 PM	Receive	Message received by: CY4PR02MB2344
2/21/2017 4:22:22 PM	Deliver	The message was delivered to the Junk Email folder.
2/21/2017 4:22:21 PM	Spam Diagnostics	

ADDITIONAL PROPERTIES

Close

Adam Tolbert

From: David Matlock
Sent: Wednesday, June 22, 2016 3:27 PM
To: Joyce Brooks
Cc: Adam Tolbert; David Matlock
Subject: Secondary Designee for Human Resources

Joyce,

Effective immediately, I am authorizing Adam Tolbert to serve as secondary designee (backup) to you, for Human Resources related functions for the Southwest Virginia Higher Education Center (HEC). You will continue to serve as the primary designee for Human Resources functions and Adam will be your secondary designee (backup). Please take all the necessary steps to train Adam in all related areas. As secondary HR designee, Adam is authorized to represent the HEC in matters with the University of Virginia (UVA), Virginia Department of Human Resource Management (DHRM), and other agencies or entities as necessary and proper.

I am authorizing Adam to obtain any and all necessary computing accounts/systems access to perform the duties as secondary designee. I would also like for Adam to attend any necessary or required training sessions. I am asking you to provide in-house training, other proper instructions, and necessary information to Adam in order to acquaint him with the responsibilities of the HR functions at the HEC. This designation will remain in effect until otherwise changed.

David N. Matlock
Executive Director and Agency Head
Southwest Virginia Higher Education Center



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Executive Director and Agency Head
Southwest Virginia Higher Education Center
One Partnership Circle
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Abingdon, VA 24212
Office: (276) 619-4305 • Fax: (276) 619-4309
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Visit our website: <http://www.swcenter.edu>

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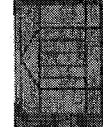
ome > Search > [Responsibilities](#) > Progress

Responsibility Information

Application: HR/Finance Supervisor: Jeffery Webb (jw4t)
 Instance: Production Effective Date: 8/1/2016
 Module: Human Resources Submitted Date: 8/1/2016
 Responsibility: UVA HRMS Specialist Submitted By: Adam Tolbert (alt2q)
 Employee: Adam Tolbert (alt2q) Comment: [View Comment](#)
 Action: Add
 Organization: 20370 SW-SW VA H Ed Ctr

Status Key: Approved Denied Current Pending						
Level	Action Full Name	Workflow Role	Backup Notified	Submit By Admin	Action Date	Approve/Deny Comment
1	Jeffery Webb (jw4t)	Supervisor			08/01/2016	
2	David Matlock (dm4qb)	Data Access Approver			08/23/2016	
3	Darrell Kozuch (djk8q)	Deputy Data Steward - Human Resources			08/23/2016	
4	Stella Kim (sk5ef)	University Human Resources Quality Assurance - Conflicts			08/23/2016	
5	Sue Simpkins (wss2d)	Training			08/29/2016	
6	Adam Tolbert (alt2q)	Employee Acknowledge - Accept			09/09/2016	
7	Jennifer Shiflett (jbs3mh)	Data Security Administrator			09/09/2016	

SWVHEC025994



ome > [Search](#) > [Responsibilities](#) > Progress

Responsibility Information

Application: HR/Finance Supervisor: Jeffery Webb (jw4t)
Instance: Production Effective Date: 9/13/2016
Module: Human Resources (HR) Submitted Date: 9/13/2016
Responsibility: UVA HRMS 1-9 Specialist Submitted By: Adam Tolbert (alt2q) [View Comment](#)
Employee: Adam Tolbert (alt2q) Comment:
Action: Add
Organization: 20370 SW-SW VA H Ed Ctr

Progress						Status Key:			
Level	Action Full Name	Workflow Role	Backup Notified	Submit By Admin	Action Date	Approve/Deny Comment	Current	Denied	Pending
1	Jeffery Webb (jw4t)	Supervisor			09/13/2016				
2	David Matlock (dm4qb)	Data Access Approver			09/13/2016				
3	Darrell Kozuch (djk8a)	Deputy Data Steward - Human Resources			09/13/2016				
4	Sue Simpkins (wss2d)	Training			10/05/2016				
5	Adam Tolbert (alt2q)	Employee Acknowledge - Accept			10/05/2016				
6	Florence Norvelle (fdn3u)	Data Security Administrator			10/05/2016				

